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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	
Jeffrey L. Huckins	§	Art Unit: 2154
	§	
Serial No.: 09/686,754	§	Examiner: Larry D. Donaghue
	§	
Filed: October 10, 2000	§	Atty Docket: ITL.0481US
	§	P10029
For: Scheduling the Uploading of	§	
Information from a Client to	§	Assignee: Intel Corporation
a Server (Amended)	§	

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Commissioner for Patents
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REPLY BRIEF

In response to the new points raised by the Examiner under the Response to Argument on page 4 of the Answer, the following reply brief is provided.

The points directed to claims 1 *et seq.* under A. in the appeal brief are apparently paragraphs 17, 18, and 19 of the Answer. The gist of the Examiner's response is that "There is no schedule claimed, nor any steps for creating or reading a schedule set forth in the claim." This is perplexing since claim 1, for example, calls for scheduling a data upload session based on said message. Thus, it appears that the rejection ignores a limitation of the claims.

Moreover, the Answer suggests that the Applicant has failed to provide a definition of scheduling. While one would think that "scheduling" would be well understood by its ordinary meaning, to attempt to overcome any issue here, the Applicant submits the following definition of "scheduling" from Merriam Webster's Collegiate Dictionary, Tenth Edition. There it defines "scheduling" as "to place in a schedule." This is the meaning that has been argued from the

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beginning. The point is there is no scheduling in the cited reference to Reisacher. "Scheduling" has a meaning and under no interpretation of scheduling is there any type of scheduling of a data upload session based on the message.

Additional points made in the Response to Argument in paragraphs 20 *et seq.* appear to go to section B. of the appeal brief. It is respectfully submitted that the statements made in paragraph 20 still fail to provide any type of cognizable rationale to combine.

With respect to paragraph 21 of the Response to Arguments, it is submitted that Reisacher teaches a processor-based system that includes storage devices. But, of course, claim 4 calls for a method including receiving a message including an identifier which specifies a task to perform on a storage device. Merely having a storage device does not meet claim 4.

With respect to the further arguments that are made, it appears that the Examiner is referring to column 3, lines 4-18. It seems that none of the listed steps have anything to do with receiving a message including an identifier which specifies a task to perform on a storage device.

Paragraph 22 on page 5 of the Answer apparently relates to claim 5. Statements made therein fail to support a *prima facie* rejection. Simply saying during appeal that one of ordinary skill in the art would have such knowledge is too little, too late. To the extent that such an assertion could be made at this time, the Examiner would be requested to cite a reference. Certainly, throughout prosecution, no such reference has been applied an identifier for indicating a change to a partition in a storage device included in a received message. Therefore, it is doubtful that such a reference could be found in the prior art. The citation from something in Reisacher seems to not meet the import of dependent claim 5.

It appears that paragraph 23 is directed to claim 7. The reference to claim 4 is insufficient to meet the scope of claim 7 and, therefore, the rejection should be reversed. The cited material at the end of paragraph 24 seems to have nothing to do with uploading data to a server over a back channel during a data upload session. It is not seen how the argument asserted could support the rejection.

Paragraph 25 appears to go to claim 14. The citation of ordinary skill at this late date is, again, too little, too late. To the extent that it would be considered appropriate, it is requested that a reference in support thereof be provided. The mere suggestion that one of ordinary skill would understand that a processor must have an instruction in order to operate and that any command must be decoded is insufficient to meet claim 14. That claim calls for storing

instructions that enable the processor-based system to decode a command within said message to modify the storage of information on the storage device. Certainly, this is not typical, nor is it anywhere suggested in any of the cited references.

It is believed that the arguments set forth in paragraph 27 are directed to claim 8 which calls for extracting a specified time from the message and uploading the data at the specified time. Claim 8 is dependent on 6 which is dependent on claim 1. Apparently the Examiner is referring to dateandtime on the bottom of page 4 of the Hein translation, provided for the first time during appeal. All that says is that dateandtime makes it possible to determine the data writing and display mode. It does not appear that this in any way suggests extracting a specified time from the message and uploading said data at the specified time. This goes again to the lack of scheduling and claim 8 is even more specific. Nothing in the office action seems to address the import of claim 8.

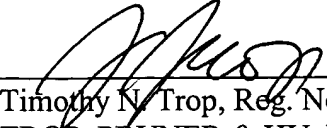
With respect to claim 19, addressed on page 7, it is asserted, for the first time on appeal, that it is inherent in Internet protocols that the sender's address is sent in the header of the packet so that the responder will send the response to the proper location. This fails to meet the import of claim 9 which calls for storing instructions that enable the system to upload the data to a server identified in the message. In other words, this is not a simple response but, in fact, is a direction to upload the data to a server specified in the message. Such a concept is nowhere suggested in the newly described Internet protocol.

In view of the above remarks, the rejection should be reversed.

Respectfully submitted,

Date: _____

8/28/06



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